

TITLE 3. FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (herein after referred to as "Department") is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **beginning June 19, 2015 and ending at 5:00 p.m., August 3, 2015**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 407 and 24013, Food and Agricultural Code, and to implement, interpret or make specific sections 24001, 24002, 24003, 24004, 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24011.6, 24012, and 24015 of the Food and Agricultural Code, the Department is proposing to make various changes to Chapter 6, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, section 407 of the Food and Agricultural Code, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce.

Existing law, Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code authorizes the Department to implement the Equine Medication Monitoring Program (EMMP) to prevent the misuse of drugs and medications in equines. The EMMP monitors horses in public shows and sales through random sample collection for chemical analysis.

Existing law section 24001(e) defines a therapeutic substance, which includes non-steroidal anti-inflammatory drugs (NSAIDs), within existing section 24011.5, permitting the use of some NSAIDs as specified.

Existing law, section 24006 of the Food and Agricultural Code states that administration of a prohibited substance is a violation of the chapter.

Existing law, section 24011.5 of the Food and Agriculture Code prohibits use of certain drugs or drug combinations, yet accommodates specific legitimate therapeutic use of medications within specified parameters. Prohibited substances are drugs or medications that affect the performance or disposition of the horse, mask or interfere with laboratory testing for chemicals, or are metabolites or derivatives of a prohibited substance.

Existing law, section 24013 of the Food and Agricultural Code authorizes the Department to adopt regulations necessary to carry out the provisions of the chapter. It also specifies that in making and adopting regulations, the Department is to first consult with the advisory committee

appointed pursuant to section 24013.5. On February 2, 2015, the EMMP advisory committee approved the initiation of a rulemaking action to establish a violations matrix in regulations, as well as making other technical changes to update its existing medications list for horses entered into State registered horse shows and sales.

This regulatory proposal will make technical changes to existing regulations and adopt a new violations matrix into regulation to ensure the public is aware of the penalties for violating specified regulations relating to public horse events and sales that are required to be registered with the Department. This proposal is also needed for the purpose of regulating the administration of therapeutic drugs and medicines and to describe the circumstances in which the administration of these substances shall be prohibited.

Anticipated Benefits of the Proposal: The California horse industry produces goods and services valued at approximately \$4.1 billion and approximately 698,000 horses in California, over 70 percent of which are involved in showing, sales, and recreation. This proposal benefits the equine industry by promoting the safety of the horse and rider in competition and horses at public sales to prevent any potential misuse of drugs or medications that could fraudulently mask a disease, condition, or injury of the horse which could place its rider in jeopardy. This proposal benefits the industry and the public by making technical amendments to the regulations and adopting a violations matrix, to serve to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Consistency and Compatibility with Existing State Regulations: The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with the Department's existing State regulations regarding public equine events and sales. There are other State regulations dealing with the proper use of drugs and medications in equines under the California Horse Racing Board (Board) which is separate and distinct from the Department's equine program. The Department has no jurisdiction over horse racing in the state, yet work together with veterinarians of the Board to ensure a consistency of the programs within the State.

Documents Incorporated by Reference: None.

Technical, Theoretical, and Empirical Study, Report, or Similar Documents

- Equine Medication Monitoring Program Advisory Committee, February 2, 2015, Meeting Minutes.
- 2015 Guidelines for Drugs and Medications, United States Equestrian Federation (USEF), [excerpt] General Rule, "GR 414 Prohibited Practices".
- Brochure dated January 2014, "Equine Medication Monitoring Program, Drugs and Medication Guidelines".
- Brochure dated January 2014, "Equine Medication Monitoring Program, Event Registration Instructions and Guidelines".
- Brochure dated January 2014, "Equine Medication Monitoring Program, Information for Exhibitors and Consignors.
- Economic Impact Assessment

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 et seq. Require Reimbursement: None

Business Impact: The Department has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation imposes no new fees or costs to the equine industry. This proposal makes technical amendments to existing regulations and adopts a violations matrix to serve to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that representative private persons or businesses would necessarily incur in reasonable compliance with the proposed action. The proposed regulation does not impose any new fees or costs to persons or businesses. This proposal makes technical amendments to existing regulations and adopts a violations matrix to serve to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

The anticipated compliance requirements as a result of this proposal are as follows:

- Paperwork/reporting requirement: There are no new fees or costs associated with the paperwork requirements and there are no new reporting requirements as a result of this proposal. Existing regulations require the use of various application, registration and reporting forms for persons holding public equine events and sales in California, and for participants. This proposal allows for the use of a person or businesses' own forms providing they are similar and contain the same information as required on the Department's forms. It is an option provided to persons and businesses which is cost effect and expedient for both the Department and for persons required to register an equine event with the Department, and for participants in public equine events and sales in California.

Effect on Housing Costs: None

Effect on Small Business: The Department's proposal may affect small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made a determination that this regulatory proposal:

- Will have no significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations.
- Will not affect the creation of new businesses or the elimination of existing businesses within the State of California, and does not affect the expansion of businesses currently doing business within the State of California.
- Does not impact multiple industries.
- Benefits the industry and the public by making technical amendments to the regulations, and adopting a violations matrix, to serve to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment: The Department is not aware of any specific benefits this proposal will have on the health and welfare of California residents, worker safety, or the State's environment. The Department believes this proposal benefits the welfare of California residents by protecting the economic health of the affected equine industry. The California horse industry produces goods and services valued at approximately \$4.1 billion and approximately 698,000 horses in California, over 70 percent of which are involved in showing, sales, and recreation. This proposal further benefits the equine industry by promoting the safety of the horse and rider in competition and horses at public sales to prevent any potential misuse of drugs or medications that could fraudulently mask a disease, condition, or injury of the horse which could place its rider in jeopardy. This proposal is necessary to make technical amendments to existing regulations and to adopt a violation matrix to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Occupations/Businesses Impacted: The Department has made an initial determination that this regulatory proposal will impact persons required to register with the Department any public horse event and sales held in California, and affect persons participating in public horse events and sales in accordance with Food and Agricultural Code sections 24001, 24012 and 24015.

Business Reporting Requirement: The regulation does require a report, which shall apply to businesses.

Comparable Federal Regulations: This proposal does not duplicate or conflict with federal regulations because there are no federal regulations governing public equine events or sales. The Department of Food and Agriculture is the sole State authority over specified public equine events and sales pursuant to Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered or that has otherwise been identified and brought the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. This proposal serves to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse events and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

Any person may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations, or any written comments concerning this proposal are to be addressed to the following:

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The backup contact person is:

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Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>

**DEPARTMENT OF FOOD AND AGRICULTURE
ANIMAL HEALTH BRANCH
EQUINE MEDICATION MONITORING PROGRAM
PROPOSED REGULATIONS: TECHNICAL CHANGES RELATING TO DEFINITIONS,
FORMS, AND MEDICATIONS, AND ADOPTING A VIOLATIONS MATRIX**

The Department of Food and Agriculture, Animal Health Branch, Equine Medication Monitoring Program, proposes the following changes to Chapter 6 (Drugging of Horses), Division 2 (Animal Industry) of Title 3 of the California Code of Regulations:

1) Amend sections 1280 and 1280.1 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1280. Definitions.

(a) The following definitions are supplemental to the definitions specified in Food and Agricultural Code section 24001 and are used specific to this chapter:

(1) "Therapeutic drugs or medicines" means drugs or medicines prescribed for use by a licensed veterinarian for the treatment of a diagnosed illness or injury.

(2) "Permissible drugs or medicines" means therapeutic drugs or medicines or drugs and medicines found in a sample within the established maximum detectable plasma or urine levels.

(3) "Prohibited substance" means:

(A) Permissible drugs or medicines that exceed established maximum detectable plasma or urine levels;

(B) Therapeutic drugs or medicines used without a prescription for use by a licensed veterinarian for treatment of illness or injury; or

(C) Any stimulant, depressant, tranquilizer, anesthetic, including local anesthetic, sedative, analgesic, corticosteroid excluding dexamethasone, anabolic steroid, or masking agent administered within 24 hours before competition or 72 hours before public sale.

(D) Any anabolic steroid administered within 90 days before a competition or sale.

(E) Fluphenazine or reserpine administered within 45 days before a competition or sale.

NOTE: Authority cited: Sections 407 and 24013, Food and Agricultural Code. Reference: Section 24001 and 24011, Food and Agricultural Code.

Section 1280.1. Registration.

(a) Every public equine event or public horse sale shall be registered with the Department pursuant to sections 24001, 24012 and 24015 of the Food and Agricultural Code.

(b) The event manager is the "person in charge of an event", including the person responsible for registering the event with the Department and the person responsible for the assessment, collection, and remittance fees, and is personally liable for fees and penalties, if any, owed to the Department.

(c) The following forms, which are incorporated by reference, are required to be completed and sent to the Department according to the instructions contained on the forms:

(1) Application to Register Equine Event/Assessment Report For Registered Event/Event Copy for Managers, Form 76-024A (Rev. 12/13), is required at least 60 days in advance of the event. A fee of \$5.00 per horse entered per public show or sale must be assessed in accordance with section 1280.2 of these regulations. The assessment report must be submitted to the Department and fees remitted within fifteen (15) days after the final day of the event. Event managers are responsible for notifying the Department of Food and Agriculture of event changes or cancellations.

(2) Law Prohibiting the Drugging of Horses/Saleyard Assessment Report, Form 76-025 (Rev. 11/2013), must be filed by the sale manager within fifteen (15) days of the end of the month being reported. The assessment fee is \$5.00 for each horse consigned for public sale pursuant to section 1280.2 of these regulations.

(3) Official Form For Declaration Of Drugs Administered, Form 76-027 (Rev. 11/13) or a compatible document of the event-sanctioning organization, must be completed by a registered event exhibitor or consignor and filed with the event manager for any horse that has received a prohibited substance for therapeutic reasons within three (3) days before a show/competition or five (5) days before a sale.

(A) The owner/exhibitor/trainer is to submit the completed Form 76-027 (Rev. 11/13) or a compatible document of the event-sanctioning organization to the event manager within one (1) hour if administration of the product(s) occurs at the event. If the product administration occurs at a time other than during show or sale hours, the owner or trainer should submit the completed form within one (1) hour after an event manager returns to duty.

NOTE: Authority cited: Sections 407 and 24013, Food and Agricultural Code. Reference: Sections 24001, 24012 and 24015, Food and Agricultural Code.

2) Amend sections 1280.7 and 1280.8 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1280.7. Random Testing.

(a) The Department will require random testing of horses exhibited or entered in any public horse show, horse competition, or public horse sale and shall designate the frequency

and method of such testing by providing instructions to department personnel, ~~contracting~~ approved California licensed veterinarians, and to laboratories performing analyses.

(b) An owner, trainer, both owner and trainer, or any person designated by the owner or trainer to maintain control of a horse randomly selected for examination by Department personnel shall:

(1) Take the selected horse without delay to a location determined by Department personnel for collection of the sample. Any activity causing delay of sample collection, including, but not limited to, schooling or training, lengthy cooling out period, or bandaging may be considered "non-cooperative."

(2) Remove equipment from the horse.

(3) Remove himself or herself from the immediate proximity of the horse.

(4) Avoid activities distractive to the horse.

NOTE: Authority cited: Sections 407 and 24013, Food and Agricultural Code. Reference: Sections 24001, 24008 and 24009, Food and Agricultural Code.

Section 1280.8. Therapeutic Drugs and Medicines.

(a) Therapeutic drugs or medicines administered for purposes other than under veterinary prescription for a diagnosed illness or injury are considered prohibited substances, and their use is a violation of this section.

(b) Horses administered therapeutic drugs or medicines for purposes other than under veterinary prescription for a diagnosed illness or injury shall not compete or be available for sale until the prohibited substance is no longer detectable in the urine or blood sample.

(c) A therapeutic drug or medicine is permitted when:

(1) A prohibited substance is administered more than 24 hours before competition or more than 72 hours before a public sale.

(2) The therapeutic drug or medicine, or metabolite of the therapeutic drug or medicine, does not interfere with the quantification of any permitted substance or detection of any prohibited substances as defined by Food and Agricultural Code section 24001(h).

(3) Only one (1) nonsteroidal anti-inflammatory drug (NSAID) is given. When two NSAIDs are in a therapeutic regime, one must be discontinued at least 72 hours before competition.

(A) When administered by a licensed veterinarian for the emergency treatment of colic or an ophthalmic emergency, flunixin, in addition to one (1) other NSAID, may be acceptable if found in the plasma or urine sample of a horse provided:

(i) The licensed veterinarian who administered the substances properly signs and files a drug declaration [Form 76-027 (Rev. 11/13)] with the event manager or designee within one (1)

hour after administration of the substances or one (1) hour after the event manager or designee returns to duty if the administration occurs at a time outside competition hours; and

(ii) The horse is withdrawn from competition for 24 hours or from public sale for 72 hours.

(4) The detected level in the sample does not exceed the established maximum detectable plasma levels for the following drug or medicine:

- (A) 15.0 micrograms per milliliter of phenylbutazone.
- (B) 1.0 micrograms per milliliter of flunixin.
- (C) 2.5 micrograms per milliliter of meclofenamic acid.
- (D) 40 micrograms per milliliter of naproxen.
- (E) 0.240 micrograms per milliliter of firocoxib.
- (F) 0.005 micrograms per milliliter of diclofenac.
- (G) 0.250 micrograms per milliliter of ketoprofen.
- (H) 0.0005 micrograms per milliliter of dexamethasone.
- (I) 0.5 micrograms per milliliter of methocarbamol.

(5) The detected level in the sample does not exceed the established maximum detectable urine levels for the following drug or medicine:

- (A) 0.09 micrograms per milliliter of dexamethasone.
- (B) 350 micrograms per milliliter of methocarbamol.

(d) No injectable substance shall be given to a horse within 12 hours of competition except:

(1) A minimum of ~~40 liters~~ 1 liter of polyionic fluids per 100 pounds of body weight given therapeutically by a licensed veterinarian between 6-12 hours of competition. Therapeutic fluids with concentrated electrolytes, such as magnesium, are prohibited.

(2) Antibiotics, except procaine penicillin G, administered by a licensed veterinarian between 6-12 hours of competition.

(3) Dexamethasone, not to exceed 0.5 milligram per 100 pounds, administered by a licensed veterinarian between 6-12 hours of competition exclusively for the treatment of acute urticaria (hives). The total dose of dexamethasone administered within 24 hours shall not exceed 1.0 mg per 100lbs.

(4) The licensed veterinarian who administered the injectable substances in (d)(1) through (3) above shall sign and file a drug declaration [Form 76-027(Rev. 11/13)] with the event manager or designee within one (1) hour after the administration of the injectable substance or one (1) hour after the event manager or designee returns to duty if the administration occurs at a time outside competition hours.

NOTE: Authority cited: Sections 407, 24013 and 24011.6, Food and Agricultural Code.
Reference: Sections 24003, 24004, 24006, 24008, 24009 and 24011, Food and Agricultural Code.

3) Adopt new section 1280.11 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1280.11. ~~Procedure upon Allegation of Violation. [Repealed]~~ Fines and Penalties.

(a) Failure to comply with the provisions of this Chapter or Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code, and any regulations adopted pursuant to them, constitutes a violation punishable by a fine of not less than one hundred dollars (\$100) or more than ten thousand dollars (\$10,000). The Department shall use the provisions of this section to determine the violation class and amount of the penalty.

(b) For the purposes of this section, violation classes are designated as "serious," "moderate," and "minor" to establish maximum penalty amounts. Repeat violations may result in an escalation of violation class. Serious and moderate violations may be downgraded based upon the evidence, the factual circumstances, mitigating factors and the cooperation of the violator.

(1) "Serious." Violations that cause significant performance enhancement of the equine or deceptive business practices that involve the non-therapeutic use of a prohibited substance, repetitive use of therapeutic prohibited substances and repetitive failure to comply with actions.

(A) The suspended individual is not permitted entry to the grounds of any registered event in the state of California during the suspension period. Event managers may not permit participation of a suspended individual in the registered event and event managers must immediately notify the Department of a suspended individual's presence on the event grounds. Event managers who permit participation of a suspended individual are subject to a violation and civil penalty in accordance with Food and Agricultural Code sections 24007 and 24015(c).

(2) "Moderate." Violations in which there is a potential for intermediate level of competitive harm or repeated violations of permissible level of detection and initial prohibited therapeutic substance detection.

(3) "Minor." Violations that are unintentional and have minimal performance enhancing action in the competition. The Department may issue a notice of warning for minor violations.

(c) Table "A" Equine Medication Monitoring Program Violations Matrix is to be used to establish the level of severity of a particular violation and the corresponding penalty range for "serious," "moderate," and "minor" violation classes.

See attached image Table A

~~NOTE: Authority cited: Sections 407, 24003 and 24008, Food and Agricultural Code. Reference: Sections 24000-24018, Food and Agricultural Code.~~

NOTE: Authority cited: Sections 407 and 24013, Food and Agricultural Code. Reference: Sections 24002, 24003, 24004, 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24011.6, 24012 and 24015, Food and Agricultural Code.

TABLE A: EQUINE MEDICATION MONITORING PROGRAM VIOLATIONS MATRIX

Title 3, CCR Section	Description of the Violation	Minor	Moderate	Serious	Penalty
1280.1(c)(1)	Failure of Event Manager to Register Event at least 60 days in advance of the event – First Offense	x			Violations may be assessed at a minimum of \$100 up to \$500
1280.1(c)(1)	Failure of Event Manager to Register Event at least 60 days in advance of the event – Second Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000
1280.1(c)(1)	Failure of Event Manager to Register Event at least 60 days in advance of the event – Third Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000
1280.1(c)(1)	Failure of Event Manager to Submit Fees within 15 days after the final day of the event – First Offense	x			Violations may be assessed at a minimum of \$100 up to \$500 plus civil penalties of 10% of the amount due plus interest rate of 1.5% per month.
1280.1(c)(1)	Failure of Event Manager to Submit Fees within 15 days after the final day of the event – Second Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000 plus civil penalties of 10% of the amount due plus interest rate of 1.5% per month.
1280.1(c)(1)	Failure of Event Manager to Submit Fees within 15 days after the final day of the event – Third Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000 plus civil penalties of 10% of the amount due plus interest rate of 1.5% per month.
1280.7(b)	Failure to Submit Horse For Sample Collection – First Offense		x		Violations may be assessed at a minimum of \$500 to \$1,000.
1280.7(b)	Failure to Submit Horse For Sample Collection – Second Offense			x	Violations may be assessed at a minimum of \$2,000 to \$10,000.
1280.7(b)	Failure to Submit Horse For Sample Collection – Third Offense			x	Violations may be assessed at a minimum of \$2,000 to \$10,000 and possible suspension of the owner, trainer or both from competition for 90 days to one year.
1280.8(b)	Detection of Non-Therapeutic Prohibited Substance – First Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000 and possible suspension of the owner, trainer or both from competition for 90 days to 1 year.
1280.8(b)	Detection of Non-Therapeutic Prohibited Substance – Second Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000 and possible suspension of the owner, trainer or both from competition for 90 days to 1 year.

PROPOSED ADOPTION OF NEW TABLE A: EQUINE MEDICATION MONITORING PROGRAM VIOLATIONS MATRIX

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1280.8(c)(1)	Detection of a Therapeutic Prohibited Substance – First Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000.
1280.8(c)(1)	Detection of a Therapeutic Prohibited Substance – Second Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000 and possible suspension of the owner, trainer or both from competition for 90 days to 1 year.
1280.8(c)(3)	Detection of two Nonsteroidal Anti-inflammatory Drugs (NSAIDs) in a sample – First Offense	x			Violations may be assessed at a minimum of \$100 up to \$500.
1280.8(c)(3)	Detection of two Nonsteroidal Anti-inflammatory Drugs (NSAIDs) in a sample – Second Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000.
1280.8(c)(3)	Detection of two Nonsteroidal Anti-inflammatory Drugs (NSAIDs) in a sample – Third Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000.
1280.8(c)(4)	Detection of a permissible substance over the maximum detectable plasma level – First Offense	x			Violations may be assessed at a minimum of \$100 up to \$500.
1280.8(c)(4)	Detection of a permissible substance over the maximum detectable plasma level – Second Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000.
1280.8(c)(4)	Detection of a permissible substance over the maximum detectable plasma level – Third Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000.
1280.8(d)	Administration of a prohibited injectable substance within 12 hours of competition – First Offense	x			Violations may be assessed at a minimum of \$100 up to \$500.
1280.8(d)	Administration of a prohibited injectable substance within 12 hours of competition – Second Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000.
1280.8(d)	Administration of a prohibited injectable substance within 12 hours of competition – Third Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000 and possible suspension of the owner, trainer or both from competition for 90 days to 1 year.